



COLORADO

Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

January 19, 2016

Ralph Gray
dba Aspen Gray, LLC
PO Box 471224
Fort Worth, TX 76147

Certified Mail Number: 7014 2870 0000 7699 5863

RE: Expedited Settlement Agreement, Number ES-160119-1
Facility / CDPS Permit Number: COR03L214

Dear Mr. Gray:

Enclosed for your records you will find Aspen Gray, LLC's copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was changed in order to place the correct ESA Number on the final document. The ESA is now fully enforceable and constitutes a final agency action.

As specified in paragraph ten (10) of the enclosed ESA, Aspen Gray, LLC must, within fifteen (15) calendar days, submit a certified or cashier's check for the amount specified in paragraph four (4) of the ESA to the Water Quality Control Division in order for this matter to be resolved.

If you have any questions, please do not hesitate to contact Eric Mink at 303.692.2312 or by electronic mail at eric.mink@state.co.us.

Sincerely,

Eric T. Mink, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Michael Boeglin, EPA Region VIII
Kurt Dahl, Pitkin County Public Health Agency
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Amy Zimmerman, Engineering Section, CDPHE
Heather Drissel, Field Services Section, CDPHE
Lillian Gonzalez, Permits Section, CDPHE
Mike Harris, Clean Water Enforcement Unit, CDPHE
Tania Watson, Data Management, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE
Rik Gay, Clean Water Compliance Unit, CDPHE





Colorado Department of Public Health & Environment
Water Quality Control Division

EXPEDITED SETTLEMENT AGREEMENT


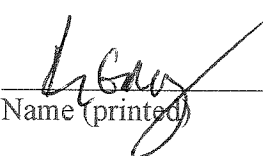
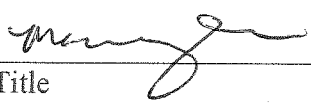
Number: ES-160119-1

The Colorado Department of Public Health and Environment ("Department"), through the Water Quality Control Division ("Division"), issues this Expedited Settlement Agreement ("ESA"), pursuant to the Division's authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control Act (the "Act") §§25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of Aspen Gray, LLC ("Aspen Gray"). The Division and Aspen Gray may be referred to collectively as "the Parties."


1. Aspen Gray is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
2. Ralph Gray, doing business as Aspen Gray, LLC, was/is conducting construction activities to build a single family residence, located at the 1422 W. Buttermilk Road, in or near the City of Aspen, Pitkin County, Colorado (the "Project").
3. Aspen Gray, as described in the attached inspection report, failed to comply with the provisions of his Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (the "Permit"), Certification Number COR03L214.
4. The parties enter into this ESA in order to resolve the matter of civil penalties associated with the violation(s) alleged herein and in the attached inspection report for a penalty of \$ 8,000.00.
5. By accepting this ESA, Aspen Gray neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. Aspen Gray certifies that all deficiencies identified in the attached inspection report have been corrected and that the Project is currently in full compliance with the terms and provisions of the Permit. Additionally, Aspen Gray has attached to this ESA: (1) a written description detailing how the deficiencies were corrected; and (2) representative photographs documenting the current conditions and the associated BMPs implemented at the Project.
7. Aspen Gray agrees to the terms and conditions of this ESA. Aspen Gray agrees that this ESA constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., and is an enforceable requirement of the Act. By signing the ESA, Aspen Gray waives: (1) the right to contest the finding(s) specified herein and in the attached inspection report; and (2) the opportunity for a public hearing pursuant to §25-8-603, C.R.S.
8. This ESA is subject to the Division's "Public Notification of Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and Aspen Gray each reserve the right to withdraw consent to this ESA if comments received during the thirty-day period result in any proposed modification to the ESA.

9. This ESA constitutes a final agency order or action upon the date when the Executive Director or his designee signs the ESA and effectively imposes the civil penalty.
10. Aspen Gray agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, Aspen Gray shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for the amount specified in paragraph 4 above, to:
- Eric T. Mink
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CWE-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
11. Notwithstanding paragraph 5 above, the violations described in this ESA will constitute part of Aspen Gray's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against Aspen Gray. Aspen Gray agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon Aspen Gray and his business officers, directors, employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this ESA.

ACCEPTED BY ASPEN GRAY, LLC:

 Signature	<u>12.9.15</u> Date
 Name (printed)	 Title

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

 Patrick J. Pfaltzgraff, Director WATER QUALITY CONTROL DIVISION	Date: <u>19 Jan 16</u>
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